

ARTICLE 11.07 FILED AND SET ISSUES

**ARTICLE 11.07 APPLICATIONS FILED AND SET FOR
SUBMISSION ON THE WEEK OF MARCH 1, 2017**

WR-84,091-01

CHANEY, STEVEN MARK

03/01/2017

Whether Applicant has established that he is actually innocent, material false evidence was presented at his trial, the State failed to disclose evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and he is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

ALPHABETICAL LISTING WITHOUT ISSUES

<u>WRIT NO.</u>	<u>NAME</u>	<u>DATE FILED AND SET</u>
WR-82,014-01	AGUILAR, CRISTIAN	04/06/2016
WR-83,014-01	BROUSSARD, KENNETH	03/09/2016
WR-85,060-01, -02	CARTER, ROGER DALE	09/14/2016
WR-84,091-01	CHANEY, STEVEN MARK	03/01/2017
WR-83,873-02	EVANS, MALCOLM JAMON	02/08/2017
WR-82,850-01, -02	JOHNSON, ANTHONY E.	10/07/2015
WR-85,192-01	JOHNSON, MORRIS LANDON	10/12/2016
WR-59,823-07	JONES, JAMES DOUGLAS	02/08/2017
WR-28,586-09	KUSSMAUL, RICHARD BRYAN	11/09/2016
WR-83,458-01	LEWIS, DARREN D.	06/29/2016
WR-83,458-02	LEWIS, DARREN D.	01/11/2017
WR-28,772-02	LONG, JAMES EDWARD	11/09/2016
WR-83,943-01	MCCLELLAN, KENNETH J.	12/09/2015
WR-82,264-03, -04	NAVARRO, MIGUEL ANGEL	01/25/2017
WR-83,551-01	OWENS, JAMES EDWARD III	04/13/2016
WR-84,073-01	PENA, MARTIN	11/18/2015
WR-35,508-03	PITTS, JAMES WAYNE, JR.	11/09/2016
WR-85,447-01	PUE, JEREMY WADE	10/12/2016
WR-84,238-01	SANCHEZ, SARINA	01/13/2016
WR-83,185-07 TO -12	SCOTT, ORIAN LEE	09/14/2016
WR-84,754-01	SHELTON, MICHAEL D.	11/09/2016
WR-85,337-01	SPAIN, MAURICE	11/02/2016
WR-81,947-02	SPECKMAN, STEVE H.	09/14/2016
WR-49,980-12 TO -16	ST. AUBIN, KEITH MICHAEL	06/15/2016
WR-64,017-05	WIMBERLY, CHRISTOPHER E.	05/25/2016

NUMERICAL LISTING WITH FILED AND SET ISSUES

WR-28,586-09

KUSSMAUL, RICHARD BRYAN

11/09/2016

Whether Applicant's claims are barred by Article 11.07, § 4 of the Code of Criminal Procedure.

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-28,772-02

LONG, JAMES EDWARD

11/09/2016

Whether Applicant's claims are barred by Article 11.07, § 4 of the Code of Criminal Procedure.

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-35,508-03

PITTS, JAMES WAYNE, JR.

11/09/2016

Whether Applicant's claims are barred by Article 11.07, § 4 of the Code of Criminal Procedure.

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-49,980-12 TO -16

ST. AUBIN, KEITH MICHAEL

06/15/2016

Whether Applicant's claim that he was sentenced to multiple punishments in violation of the Double Jeopardy Clause is procedurally barred under Article 11.07, § 4 of the Code of Criminal Procedure.

WR-59,823-07

JONES, JAMES DOUGLAS

02/08/2017

Whether Article 11.07, § 4(a)(2) of the Code of Criminal Procedure requires an applicant to make a prima facie showing of factual, as distinguished from legal, innocence.

Whether Applicant has made a prima facie showing of factual innocence, legal innocence,

or both for purposes of § 4(a)(2).

WR-64,017-05 **WIMBERLY, CHRISTOPHER E.** **05/25/2016**

Whether Applicant has established that he is actually innocent of aggravated robbery.

WR-81,947-02 **SPECKMAN, STEVE H.** **09/14/2016**

Should this Court adopt a rebuttable presumption that a motion to dismiss an Article 11.07 application is unreasonable if the motion is filed in this Court or a trial court after a trial court has factually developed the record and made findings of fact and conclusions of law?

If this Court should adopt such a presumption, what factors should this Court consider when determining if an applicant has rebutted this presumption?

What alternatives, other than a dismissal, are available to applicants who wish to dismiss their applications?

WR-82,014-01 **AGUILAR, CRISTIAN** **04/06/2016**

Whether the holding in *Padilla v. Kentucky*, 559 U.S. 356 (2010), applies to the facts in Applicant's case.

Whether Applicant was prejudiced or harmed, given that deportation proceedings have not been initiated in his case.

Notwithstanding *Padilla*, whether a defendant's guilty or no contest plea will be rendered involuntary if counsel affirmatively misadvises a defendant about the immigration consequences of his plea.

WR-82,264-03, -04 **NAVARRO, MIGUEL ANGEL** **01/25/2017**

Whether Applicant may rely on *Moon v. State*, 451 S.W.3d 28 (Tex. Crim. App. 2014), which was decided after Applicant's conviction became final, and if so, whether Applicant is entitled to relief under *Moon*.

WR-83,014-01 **BROUSSARD, KENNETH** **03/09/2016**

Whether Applicant's plea was involuntary.

WR-83,185-07 TO -12 **SCOTT, ORIAN LEE** **09/14/2016**

Whether trial counsel rendered ineffective assistance at the punishment stage of trial.

WR-83,458-01 LEWIS, DARREN D. 06/29/2016

Whether Applicant's guilty plea was involuntary.

WR-83,458-02 LEWIS, DARREN D. 01/11/2017

Whether Applicant's guilty plea was involuntary.

WR-83,551-01 OWENS, JAMES EDWARD III 04/13/2016

Whether Applicant is entitled to relief under this Court's holding in *Ex parte Coty*, 418 S.W.3d 597 (Tex. Crim. App. 2014).

WR-83,873-02 EVANS, MALCOLM JAMON 02/08/2017

Whether trial counsel's erroneous advice on parole eligibility rendered Applicant's plea involuntary.

WR-83,943-01 MCCLELLAN, KENNETH J. 12/09/2015

Whether an applicant may facially challenge the constitutionality of a statute, which has not been previously held unconstitutional, for the first time in a post-conviction habeas application.

Assuming that an applicant may do so, whether § 33.021(c) and (d) of the Penal Code are overbroad and vague in violation of the First Amendment.

WR-84,073-01 PENA, MARTIN 11/18/2015

Whether the police misconduct in Applicant's case should be imputed to the prosecution for purposes of Applicant's claim that the prosecution violated *Brady v. Maryland*, 373 U.S. 83 (1963).

Whether this misconduct is exculpatory.

Whether Applicant's plea was involuntary because of "impermissible conduct by state agents." *Brady v. United States*, 397 U.S. 742, 757 (1970).

WR-84,091-01 CHANEY, STEVEN MARK 03/01/2017

Whether Applicant has established that he is actually innocent, material false evidence was presented at his trial, the State failed to disclose evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and he is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-84,238-01 SANCHEZ, SARINA 01/13/2016

Whether trial counsel rendered Applicant's guilty plea involuntary.

WR-84,754-01 SHELTON, MICHAEL DEWAYNE 11/09/2016

Whether Applicant is actually innocent.

Whether Applicant is entitled to relief under Article 11.073 of the Code of Criminal Procedure.

WR-85,060-01, -02 CARTER, ROGER DALE 09/14/2016

Whether Applicant is entitled to relief because his sentences were improperly cumulated.

WR-85,192-01 JOHNSON, MORRIS LANDON II 10/12/2016

Whether the Texas Board of Pardons and Paroles' practice of holding a parole vote for only an offender's "holding" case is proper when the sentence in question affects when a second stacked sentence begins to run.

WR-85,337-01 SPAIN, MAURICE 11/02/2016

Whether the Board of Pardons and Paroles' policy of not "releasing" an inmate to mandatory supervision on one concurrent sentence until the inmate is "eligible for release" on all concurrent sentences is lawful.

WR-85,447-01 PUE, JEREMY WADE 10/12/2016

Whether a 2007 probated conviction from California was available as a punishment enhancement in California and therefore available as a punishment enhancement in Texas.

Whether Applicant's thirty-year sentence was rendered illegal because his 2007 probated conviction from California was reduced to a misdemeanor "for all purposes" in 2015, after he was sentenced in the present case.